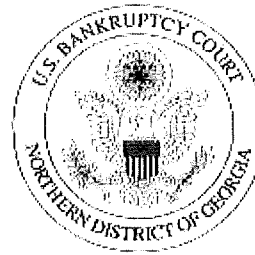


EXHIBIT A



IT IS ORDERED as set forth below:

Date: August 30, 2017

Paul Baisier

Paul Baisier
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In Re:

**Herman Cunningham and Vernessa
Smalls Cunningham,**
Debtors.

Chapter 13

Case No. 14-70730-pmb

**Wells Fargo Bank, N.A., as Trustee for
Banc of America Alternative Loan Trust
2004-5, its successors or assigns,**
Movant,
V.

Contested Matter

**Herman Cunningham and Vernessa
Smalls Cunningham, Debtors, and Adam
M. Goodman, Chapter 13 Trustee,**
Respondents.

ORDER DENYING MOTION FOR RELIEF

This matter arose upon the Motion of Wells Fargo Bank, National Association, as Trustee for Banc of America Alternative Loan Trust 2004-5 Mortgage Pass-Through Certificates, Series 2004-5, its successors or assigns, (hereinafter referred to as "Movant"), for Relief from the Stay of 11 U.S.C. § 362 filed on February 17, 2017 (Doc No. 78) and amended on April 12, 2017

(Doc. No. 81), (the "Motion"), scheduled by Movant for hearing on March 9, 2017 and upon notice which Movant contends was given to all parties in interest. The hearing on the Motion was subsequently rescheduled for April 20, 2017, May 4, 2017 and June 1, 2017. For the purposes of this hearing, Debtors and Movant stipulate the following:

Movant contends it has a valid, binding and perfected security interest in 5024 Klondike Rd, Lithonia, GA 30038, (hereinafter referred to as "Collateral"); Movant holds a secured claim in the Collateral in the original amount of \$262,307.00 pursuant to a Note, secured by a Deed to Secure Debt, dated March 11, 2004, as recorded and more particularly described in public records at Deed Book 16045, Page 657, DeKalb County Records; At the time the Motion for Relief was filed, Debtors were behind in the post-petition mortgage payments to Movant.

The post-petition arrearage through August 18, 2017, totals \$4,091.85, consisting of the monthly payments of June 1, 2017 through August 1, 2017 payments at \$1,074.07 each, attorney fees and costs in the amount of \$1,031.00, plus the \$425.00 in the Notice of Postpetition Mortgage Fees, Expenses, and Charges filed September 15, 2015 in the amount of \$425.00 and less the suspense balance in the amount of \$586.36.

Movant claims it is not now adequately protected, but Debtors assert the Collateral is necessary for Debtors' rehabilitation. Accordingly, from the foregoing stipulations, the parties agree that:

1. The amount of post-petition arrearage owed by Debtors as of August 18, 2017 is \$4,091.85, and it shall be paid as set forth below;
 - A. Movant shall file a Supplemental Proof of Claim in the amount of \$4,091.85 to include the post-petition attorney fees and costs in the amount of \$1,031.00, fees noticed on September 15, 2015 in the amount of \$425.00, and the remaining post-

petition arrearage in the amount of \$2,635.85, and which shall be paid as a secured claim. Trustee shall fund secured claim upon filing.

B. Debtors shall pay directly to Nationstar Mortgage LLC at Nationstar Mortgage LLC, PO BOX 619094, Dallas, TX 75261-9741, one payment per month, totaling \$1,074.07 beginning September 1, 2017. In the event that the regular monthly mortgage payment changes, Debtors shall pay the modified payment amount on the first (1st).

2. Upon delinquency by Debtors in the payment of any sum specified herein, or in any regular monthly mortgage payments which come due according to Movant's Note and Deed for a period of nine (9) months from the first payment owed under this Order, or until Debtors are discharged or this bankruptcy proceeding is dismissed or converted to another chapter under the Code, Movant may be permitted to recover and dispose of the Collateral pursuant to applicable state law only after submitting a Delinquency Motion (as more particularly described below) and the entry of an order modifying the automatic stay of 11 U.S.C. § 362 in the following manner:

A. Counsel for Movant shall serve both Debtors and Debtors' counsel of record with written notice of the specific facts of the delinquency (the "Delinquency Notice"); said notice may be contained in a letter but shall

- (1) state that Debtors may cure the delinquency within ten (10) calendar days of receipt of said notice in certified funds, and
- (2) shall specifically provide the correct street address for mailing and delivering such payment; Pursuant to this Order, Debtors shall be presumed to have received the Delinquency Notice on the fifth (5th)

By consent, therefore, it is hereby

ORDERED that Motion is denied and the agreement of the Movant and Debtors as set forth above is *approved*.

END OF DOCUMENT

Prepared by:

Read and Approved by:

/s/ Elizabeth Childers
Elizabeth Childers
Georgia Bar No. 143546
211 Perimeter Center Parkway, N.E.
Suite 300
Atlanta, GA 30346
770-220-2535
Attorney for Movant
echilders@logs.com

/s/ (with express permission)
Michael R. Rethinger
Georgia Bar No.
Law Offices of Michael R. Rethinger, LLC
241 Mitchell Street, SW
Atlanta, GA 30303
(770)922-0066
Attorney for Debtors

No Opposition:

/s/ (with express permission)
Jason L. Rogers
Georgia Bar No. 142575
Adam M. Goodman
Suite 200
260 Peachtree Street
Atlanta, GA 30303
(678)510-1444
Attorney for Chapter 13 Trustee

DISTRIBUTION LIST

HERMAN CUNNINGHAM
5024 Klondike Road
Lithonia, GA 30038

VERNESSA SMALLS CUNNINGHAM
5024 Klondike Road
Lithonia, GA 30038

MICHAEL R. RETHINGER
R and R Law Group, LP
241 Mitchell Street, SW
Atlanta, GA 30303

ADAM M. GOODMAN
Adam M. Goodman, 13 Trustee
Suite 200
260 Peachtree Street
Atlanta, GA 30303

Shapiro Pendergast & Hasty, LLP
211 Perimeter Center Parkway, N.E.
Suite 300
Atlanta, GA 30346